THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 14241 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to the order dated 26.3.2007 in O.A. No. 6329 of 2005 with C.A. No. 614 of 2006 and VMA No. 1368 of 2006 on the file of A.P. Administrative Tribunal, Hyderabad and to quash the same as illegal and arbitrary.

The respondent herein filed O.A. 6329 of 2005 before the Tribunal for directing the respondents – petitioners herein to release his pension and pensionary benefits. Holding that the impugned orders are passed by not furnishing the report of the TDP to the applicant, the Tribunal set aside the impugned orders and remitted the matter to the Disciplinary Authority to serve copy of the report of the TDP to the applicant and proceed against him in accordance with the Rules. The Tribunal further directed to complete the exercise within a period of three months from the date of receipt of a copy of the order and in the meantime to pay provisional pension along with the arrears thereon within a period of four weeks from the date of receipt of a copy of the order. The petitioners challenge the said order in this writ

petition.

Heard the learned counsel for the parties and perused the material available on record.

It appears that the learned Government Pleader has placed the relevant records before the Tribunal and having perused the same the Tribunal found that no clear acknowledgment of the applicant has been obtained anywhere with regard to furnishing of the report of the TDP. In the absence of any such acknowledgment of the applicant, the Tribunal held that the report of the TDP has not been furnished to the applicant. We are of the considered view that in the absence of any material to the effect that the report of the TDP has been furnished to the respondent – applicant the matter had to be remitted and the Tribunal rightly remitted the matter to the disciplinary authority to serve a copy of the report of the TDP to the respondent – applicant and proceed against him in accordance with the Rules and directed to pay provisional pension along with arrears in the meantime. Having regard to the facts and circumstances, the said order cannot be found fault with. However, keeping in view the submission made by the learned Government Pleader that the time granted by the Tribunal is not sufficient, we feel that the time can be extended further.

The writ petition is accordingly disposed of directing the petitioners to complete the disciplinary proceedings as directed by the Tribunal within a period of two months from the date of receipt of a

copy of this order. The order passed by the Tribunal with regard to payment of provisional pension along with arrears is upheld.

T. MEENA KUMARI,

J.

NOOTY RAMAMOHANA RAO, J.

Date: 05-07-2007.

MVB.